

# Constitutional Considerations

ON THE

POWER OF PARLIAMENT

TO LEVY

T A X E S

ON THE

NORTH AMERICAN COLONIES.

Brevity is the Soul of Wit, and Oratory but its outward Limbs and Flourishings.

SHAKESPEAR.

L O N D O N :

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## Constitutional Considerations, &c.

**A**S QUESTIONS of political disquisition are more generally interesting than any others, so they are more frequently and fully debated; and, as they are often of a complicated nature, and extend themselves beyond the limits of the understanding of an ordinary coffee-house politician, they are often apt, from the difficulties which attend the discussion of them, to breed bad blood among many of the well-disposed inhabitants of this great metropolis: insomuch, that the proposing of a question of this nature, in company, seldom tends to any thing more than the production of a great number of incoherent and unconnected sentences, poured forth by the orators on each side with great vehemence and rancour, and generally ends in open quarrel or silent discontent and dislike of each other. I cannot, therefore, but think, when new and interesting subjects of this nature arise, that it is a work of general

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utility to set them before the public in a clear light. As it may be the means of putting the disputants into a method of arguing with propriety and to the purpose, and greatly tend to the peace and good order of private societies, as well as to a more general improvement of mankind in the policy and constitution of their country: the disputants may then, by this means, be enabled to talk with some degree of clearness on the subject, without jumbling together arguments which have not the least connection with each other, and confounding both themselves and their opponents in such a manner, that an argument often drops because the orators on each side have raised such a confusion of ideas, and involved themselves in such a fog of incongruous and unconnected matter, that neither party can see their way through it; and, though either of them may be hardy enough and desirous of continuing the combat, they are obliged to desist; and might very well cry out, with Ajax in Pope's Homer, who was at that time in a situation very similar to theirs,

“ Give me to see, and Ajax asks no more.”

As the North American affairs are at this time a new and very interesting subject, and take up the general attention of mankind, I purpose to consider them in the following manner:

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The matter in which the North Americans are said to be aggrieved, is this :

That they, being intitled to all the privileges of British subjects, ought not to have taxes levied upon them by parliament, they not being represented there.

Now, in case I can make it appear that, consistently with the constitution and safety of this country, they neither can be represented in parliament, nor be exempted from the taxes imposed by it, I imagine that I shall then do every thing that is necessary towards destroying this most extraordinary hypothesis. And, in the first place, I shall insist, that, though in their charters they are said to be intitled to *all* the privileges of British subjects, yet, in fact, they are not intitled to *all* their privileges ; namely, they are not intitled to the privilege of being represented in parliament ; and how their constitution stands, in respect to this matter, appears thus :

✱ That all the rights and privileges of the Americans must arise either out of the British constitution, or out of their charters. Now, neither in the British constitution, nor in their charters, is there any provision for their being represented in parliament.—This privilege, therefore, they have not, nor do I suppose that they pretend to claim it under the present constitution. What, then, have they to complain of ? What privilege of theirs, as British subjects,

jects, is infringed? Why, truly, taxes are levied upon them by parliament. Does it then follow, because they are abridged of the privilege of being represented in parliament, that they are, therefore, by implication, intitled to another privilege, and such a one as no British subject can possibly have any right to?—an exemption from the jurisdiction of the supreme or governing power. Can they, on account of their being abridged of a privilege, be exempted from any duty or obedience they owe to the laws of their mother country; especially if it should appear, as I doubt not but I shall make it appear, that such an exemption would prove fatal to, and destructive of, that mother country? Can they; to exonerate themselves from such taxes, plead any thing but express words in their charters to exempt them? This they certainly cannot; and if they could, it would be but a very indifferent plea, since no King could have any right to grant such a charter. If they have, thereby, power to make laws for their interior policy, does that power, given to them for the purpose of supporting government, and maintaining good order amongst themselves, take away from parliament the power of imposing whatever laws they shall think necessary for the welfare and safety of their mother country? If they are thereby said to be intitled to all the privileges of British subjects, will that exempt them from paying taxes levied by parliament, when the most privileged Englishman is obliged



obliged to pay them; and since it is not a privilege of British subjects to be exempt from them?

The payment of taxes, imposed by parliament, is a duty which arises to the British subject out of the constitution; and the charters, settling the North Americans, being silent on that head, it is a duty which necessarily arises to them out of the constitution; and so does every duty which an inhabitant and subject of England is bound by, unless it is particularly excepted in the Charter, and the North Americans thereby exempted from it.

Now, in answer to what I have said, it may be alleged, that though there is no particular provision, no written law, to exempt them from the payment of these taxes, yet, from the spirit of the constitution, as they are not represented in parliament, an exemption arises by implication; because it is inconsistent with the privileges of a British subject to pay taxes but with his own consent.

\* Now, in answer to that, I say, that the spirit of the constitution is, in a degree, confined to the island of Great Britain, and does not, and cannot operate in its full force in our Colonies: That it does not, appears from their having no right to be represented in parliament; and, I suppose it will be allowed, that it does not, and ought not to operate so as to exempt them from payment of taxes

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imposed by parliament, in case it should be made appear that such an exemption would prove fatal to, and destructive of, their mother country: Should that appear, could any arguments be brought from analogy and comparison between the rights and privileges of both countries, that would have any weight in favour of the North Americans? and, indeed, can any thing be more absurd than to draw comparisons between the rights and privileges of countries standing in such different degrees of relationship to each other, as the mother-country and her colonies? Does it, because it would be a breach of British liberty, should the parliament refuse to receive amongst them the representatives of a county in England, and should then levy partial and local taxes on it; does it therefore follow, that the Americans, because they are not represented in parliament, ought not to have taxes levied on them, when nothing is so certain as that it is absolutely necessary for the safety and preservation of the liberties of this country, that they should not be represented in parliament; and it is equally necessary, that the parliament should have power to raise taxes on them, whenever the necessities of government require it: and that this is the real situation of the matter in question, I do not doubt but I shall make clearly appear to every unprejudiced reader, from the following considerations:



In respect to the reasons of their preclusion from being represented in parliament, they are so evident, that it should appear unnecessary to mention them ; but, however, as it seems to be my business to clear away this rubbish from the crown, before I can set about building the fabrick that I have planned, I shall give them in as few words as I possibly can. Let us then consider their numbers, their extent, their situation, and advantages of every kind ; insomuch, that they want nothing, but a government properly regulated for the purpose, to become the masters of Europe. If, therefore, they had their proportioned number of representatives in the British senate, what a weight would they necessarily have there !—A weight which would be alone sufficient to sink this devoted country in the waves of perdition.

I now come to the material point, and, indeed, the only one that seems left for me to prove ; namely, that the North Americans, though not represented in parliament, cannot, without the greatest danger to this country, and I might say, without bringing about the total ruin of it, be exempted from taxes imposed by parliament : but, before I enter into this proof, I desire that it may be observed, that in respect to the question---Whether the law now made is at this time necessary or unnecessary, politic or impolitic?---I have nothing to say to it ; all that I mean, is to vindicate the rights of the British parliament, and to assert their power of imposing on the colonies whatever taxes they shall think expedient and necessary to the support of

of good and equitable government; and this I purpose to do in the following manner:

That all parties benefited, or expecting to receive benefit from a war, ought to contribute to the expence of that war, in proportion to their resources.

That the North Americans may possibly, in some future time, refuse to contribute to the expence of a war in proportion to their resources, knowing that we must, at all events, protect them, and support their interest against any power that shall attack them.

The British parliament, therefore, on such a contingency, must have a power to levy taxes on them adequate to that purpose.

It will be an aid necessary to their mother country; and by what other means can it be raised on a free people? we cannot send our fleets and armies there to put them under military execution; that is not the method of treating the free-born subjects of Britain: no: we must make a law, that law will be put into the hands of the civil magistrate, and if the execution of it is impeded by the tumultuous and rebellious insurrections of the people, the military power will then, in a due course of law, be called in, and will act under and assist the civil magistrate in the execution

execution of it. These are the only methods of raising money on a free people---these are the privileges of British subjects.

Can it then be said, that the North Americans ought to be exempted from taxes imposed by the British parliament, because they are not represented in that parliament; when it is inconsistent with the safety of Britain that they should either be represented in parliament, or be exempted from the taxes that may be imposed on them by it. Could it be made appear that they have a right to the alternative, that argument in their favour would be good; but, if it is made plain, as I think it is, that they have no right to either, the argument falls to the ground, and the North Americans, as subjects of Britain, must submit to that supreme power which now governs, and God grant may ever govern this happy, this distinguished island with all its appendages.

In respect to the propriety of the Stamp-act, as it now stands, it is not at all material to the present question; and a knowledge of the propriety or impropriety of it depends upon facts, which I cannot, and I believe few of those who talk loudest on the subject, can make themselves masters of; since those who are really acquainted with them do, in this as well as in every other case, represent them, not according to what they really are, but according to what their interest and inclination direct

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them. This consideration, therefore, together with the steps necessary to be taken in consequence of the events which have happened, I leave to those whose situation in public business leads them to a more complete and thorough knowledge of the subject, and whose business it is to settle these unhappy differences.

**F I N I S.**